Abstract of the Disclosure

Data rate determination is provided in a system where the available power fraction and available Walsh codes in each active leg are dynamically changing over time. This method adapts the rate (modulation and coding) based on the combined resource (power & code space) levels

5   seen at each cell. The method results in maximization of the rate supportable by each cell given their resource constrained situation while meeting the constraints of target packet or frame error rate and orthogonality. Furthermore, improved fast cell selection by the mobile results due to this approach that is based on knowledge of combined resource (power & code space) levels across the cells in the active set.